CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, with sufficient postage as the Class maintain envelope addressed to: Mail Stop Petition, Commission Patents P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of September, 2003.

| Danielle K. York | | | | | | |
|------------------|--|--|--|--|--|--|
| (Print Name) | | | | | | |
| Danjelle K UNK | | | | | | |
| (Signature) | | | | | | |

Customer Number

27483

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shutic et al.

For

QUICK CHANGE POWDER

SEP 2 9 2003

COATING SPRAY SYSTEM

OFFICE OF PETITIONS

RECEIVED

Serial No.

: 09/888,679

Filed

: June 25, 2001

Examiner

not assigned

Art Unit

D. Nguyen

Attorney Docket No.

11694/04112

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL OF PETITION TO REVIVE APPLICATION ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Transmitted herewith are the following:

- 1. Petition to Revive Patent Application unavoidably abandoned under 37 CFR 1.137(a);
- 2. Response to Restriction Requirement;
- 3. Copy of Office Action faxed on September 8, 2002;
- 4. Statement of Facts regarding the Unavoidable Abandonment;
- 5. Declaration of Tammy Bunch, including supporting docketing reports;
- 6. Return Receipt Postcard.

Please charge the petition fee, totaling an amount of \$110.00 to Deposit Account No. 03-0172. It is believed that no further fee is required relating to the filing of these documents. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: $\frac{9/24/63}{}$

Douglas B McKright, Reg. No. 50,447

216/622-8559

Certificate of Mailing

I hereby certify that this document is being denoted in an entire of the control of the with the U.S. pe addressed to the Postal Service as first class mail, in an Commissioner for Patents, MS Petition, P.O. Box 1450, Alexandria, Virginia 22313, on this 24th day of September, 2003. Typed or Printed name of person signing this certificate:

Danielle K. York

Customer Number

NITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shutic et al.

Serial No.: 09/888,679

Art Group: 3752

RECEIVED

Filed: June 25, 2001

Examiner: D. Nguyen

SEP 2 9 2003

For:

QUICK CHANGE POWDER COATING

Confirmation No.: 9972

OFFICE OF PETITIONS

SPRAY SYSTEM

Attorney Docket No.: 11694/04112

PETITION TO REVIVE PATENT APPLICATION UNAVOIDABLY ABANDONED UNDER 37 C.F.R. §1.137(a)

Mail Stop Petition Commissioner of Patents Alexandria, Virginia 22313-1450

Dear Sir:

Applicants, through their attorneys, hereby Petition the Commissioner to Revive the aboveidentified application under 37 C.F.R. §1.137(a), which was unavoidably abandoned for failure to respond the Restriction Requirement dated February 11, 2003.

In support of this petition, applicants present herewith:

- (1) a statement of facts attesting that the abandonment was unavoidable;
- (2) a declaration of Tammy Bunch, docket clerk for Calfee, Halter & Griswold LLP, including relevant printouts from the docket
 - (3) the petition fee as set forth in 37 C.F.R. §1.17(1); and
 - (4) a copy of the Restriction Requirement and the Response to the Restriction Requirement;

If any additional fee is due with this petition, please charge our Deposit Account Number 03-0172.

09/29/2003 AWONDAF1 00000016 030172 09888679

01 FC:1452 110.00 DA

Respectfully submitte

Reg. No. 50,447

Certificate of Mailing

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, MS Non-Fee Amendment, P.O. Box 1450, Alexandria, Virginia 22313, on this 24th day of September, 2003. Typed or Printed name of person signing this certificate:

Customer Number

27483

Danielle K. York

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re application of:

Shutic et al.

Serial No.: 09/888,679

Art Group: 3752

Filed: June 25, 2001

Examiner: D. Nguyen

Confirmation No.: 9972

OFFICE OF PETITIONS

For:

QUICK CHANGE POWDER COATING

SPRAY SYSTEM

Attorney Docket No.: 11694/04112

Mail Stop Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed on February 11, 2003, Applicants elect without traverse Group I, comprising claims 1-14, 28-43 and 48-54. As such, the remaining claims, namely claims 15-27, 44-47 and 52-64, may be withdrawn from consideration.

It is believed that there is no additional fee associated with the filing and consideration of this Response to Restriction Requirement, however, should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering this Response to Restriction Requirement to deposit account number 03-0172.

Respectfully submitted,

Date: $\frac{9}{24/63}$

Douglas B. McKnight

Reg. No. 50,447 (216) 622-8200

Claims

- 1. (original) A powder coating spray system comprising:
- a spray booth that at least partially encloses a spray area in which powder overspray is produced during a spraying operation;
 - a powder feed apparatus that supplies powder to spray guns in said booth;
- a powder extraction apparatus that removes said powder overspray from said booth and transfers said powder overspray to a first collection device; and
- a vacuum source connected to said first collection device to transfer powder overspray from said first collection device to a second powder collection device, wherein said first powder collection device comprises a cyclone separator.
- 2. (original) The system of claim 1 wherein said first collection device comprises a dual cyclone separator.
- 3. (original) The system of claim 1 wherein said second collection device comprises a powder feed hopper in a feed center.
- 4. (original) The system of claim 3 wherein said vacuum source is connected to a vacuum receiver and filter assembly that receives powder from said cyclone and supplies said cyclone-received powder to said powder feed hopper.
- 5. (original) The system of claim 4 wherein said vacuum receiver is connected to said cyclone by rigid tubing; and a cleaning device that is drawn through said tubing by said vacuum source to clean powder from said tubing.
 - 6. (original) The system of claim 5 wherein said cleaning device is a foam-like mass.
- 7. (original) The system of claim 4 comprising a sieve and vibrator assembly disposed between said vacuum receiver and said powder feed hopper.
- 8. (original) The system of claim 1 wherein said powder extraction apparatus comprises a vacuum duct disposed within said spray booth to remove powder overspray therefrom.
- 9. (original) The system of claim 8 wherein said powder spray booth comprises a floor that rotates about an axis; said vacuum duct being suspended above said floor and stationary with respect thereto to remove powder overspray from said floor as said floor rotates during a spraying operation.
- 10. (original) The system of claim 8 wherein said first collection device comprises a cyclone separator; and wherein said vacuum duct is connected to an inlet of said cyclone.
- 11. (original) The system of claim 1 wherein said first collection device comprises a cyclone separator having a powder outlet opening; and a cyclone outlet interface that receives powder from said cyclone outlet; said interface having at least one port connected to said vacuum source to remove powder from said interface as said powder enters said interface from said cyclone.
- 12. (original) The system of claim 11 wherein said vacuum source draws powder from said interface at a rate at least as fast as a rate at which powder enters said interface from said cyclone.

- 13. (original) The system of claim 11 wherein said interface comprises a second port connected to a second vacuum source so that powder from said cyclone outlet bypasses said feed center.
- 14. (original) The system of claim 1 wherein powder is supplied to spray guns in said booth from a hopper in said powder feed apparatus; at least a portion of said powder being powder overspray from a spraying operation; said powder overspray being extracted from said booth during a spraying operation, transferred to said first collection device and then back to said hopper, to produce a substantially continuous closed loop flow of powder during a spraying operation.
 - 15-27 (withdrawn)
- 28. (original) A powder spraying system of the type having a spray booth and a powder feed hopper for supplying powder to a spray hopper, comprising:
- a powder extraction device in said booth that conveys powder overspray from the booth to a collection device outside the booth; and
 - a vacuum device that conveys powder from said collection device to the feed hopper.
- 29. (original) The system of claim 28 wherein said collection device comprises a cyclone separator.
 - 30. (original) The system of claim 29 wherein said cyclone separator comprises two cyclones.
- 31. (original) The system of claim 28 wherein said powder extraction device comprises a duct that extends over a floor of the booth and draws powder off the floor during a spraying operation.
- 32. (original) The system of claim 31 wherein said floor rotates about a longitudinal axis of the booth and relative to said duct.
- 33. (original) The system of claim 32 wherein the booth is generally cylindrical and the booth floor is circular.
- 34. (original) The system of claim 32 wherein the booth and floor comprises very low conductivity composite material.
- 35. (original) The system of claim 34 wherein the booth is self-supporting and is suspended in a cantilever manner over said floor.
- 36. (original) The system of claim 34 wherein said floor is supported in a cantilever manner on a central hub.
- 37. (original) The system of claim 28 wherein said vacuum device conveys powder from said collection device to a feed hopper.
- 38. (original) The system of claim 37 wherein said vacuum device conveys powder from said collection device to said feed hopper via a sieve.
- 39. (original) The system of claim 28 wherein said vacuum device is connected to a vacuum source; the vacuum in said vacuum receiver being periodically interrupted to permit powder discharge from said vacuum device.
 - 40. (original) The system of claim 39 wherein said vacuum device comprises a discharge valve at

the bottom of said vacuum device that opens under the force of gravity when said vacuum device is not under vacuum.

- 41. (original) The system of claim 40 comprising an actuator that closes said discharge valve.
- 42. (original) The system of claim 28 wherein said feed device comprises a powder feed hopper.
- 43. (original) The system of claim 42 wherein said feed hopper is installed in a powder feed center as part of an application system.
 - 44-47 (withdrawn)

15

48. (original) A method for quick color change in a powder spraying system of the type having a spray booth and a powder spray application system, comprising the steps of:

continuously drawing powder from said spray booth during a spraying operation;

transferring powder from said booth to a first collection device;

conveying powder from said first collection device to said application system under vacuum.

- 49. (original) The method of claim 48 comprising the step of drawing powder from the booth floor into a duct using low pressure air flow into the duct.
- 50. (original) The method of claim 48 comprising the step of continuously conveying powder from said collection device to a second collection device.
- 51. (original) The method of claim 50 comprising the step of periodically discharging powder from said second collection device to said application system.

52-64 (withdrawn)

 a) The translation of the foreign language provisional application has been riceived. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 1 i 0 and/or 121.

U.S. Patent and Trademark Office

Attachment(s)

6) Other:

4) Interview Summ: :ry (PTO-413) Paper No(s).

Notice of Inform | Patent Application (PTO-152)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)

Application/Control Number: 09/888,679

Page 2

Art Unit: 3752

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required uncer 35 U.S.C. 121:
 - I. Claims 1-14, 28-43, 48-51, drawn to a booth powder spraying system, classified in class 118, subclass 309.
 - II. Claims 15-24, drawn to a powder recovery system, c sissified in class 239, subclass 693.
 - III. Claims 25-27, drawn to a vacuum receiver, classified in class 118, subclass 312.
 - IV. Claims 44-47, drawn to a quick-change powder coating system, classified in class 118, subclass 309.
 - V. Claims 52-54, 63, 64, drawn to powder coating system with a recovery system, classified in class 239, subclass 693.
 - VI. Claim 55, drawn to a method of cleaning a vacuum line in a powder recovery system, classified in class 118, subclass 31%.
 - VII. Claims 56-61, drawn to powder coating system, classified in class 118, subclass 308.
 - VIII. Claim 62, drawn to a powder over spray sieve, class fied in class 118, subclass 312.

The inventions are distinct, each from the other because of the foll wing reasons:

2. Inventions Group I and Group II, III, IV, V, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The

Page 3

Application/Control Number: 09/888,679

Art Unit: 3752

subcombinations are distinct from each other if they are shown to he separately usable. In the instant case, invention Group I has separate utility such as a powder coating system with a powder feed apparatus; invention Group II has separate utility such as a powder coating system with a cyclone separator; invention Group II has separate utility such as a vacuum receiver for a powder recycle system, invention Group IV has separate utility such as a powder coating system with a circular booth, invention Group V has separate utility such as a powder coating system with a vacuum recovery system, invention Group VI has separate utility such as a method for clean and a vacuum line for a powder recovery system, invention Group VII has separate utility such as a powder coating system with a powder pump, invention Group VIII has separate utility such as a powder over spray sieve for a powder coating system. See MPEP 806.05(d).

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- A telephone call was made to Douglas McKnight on Februa , 05, 2003 to request an oral election to the above restriction requirement, but dil not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 3" CFR 1.48(b) if one

Application/Control Number: 09/888,679

Art Unit: 3752

Page 4

or more of the currently named inventors is no longer an inventor chat least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

U.S.P.T.O.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q Nguyen whose telephone rumber is (703) 305-0248. The examiner can normally be reached on Monday-Friday 1 cm 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The six phone numbers for the organization where this application or proceeding is assigned are (703) 308-7766 for regular communications and (703) 746-4591 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

dqn February 10, 2003

Dinh Nguy€ 'E

Patent Examiner

SEP 2 6 2003 R

I hereby certify that This Devement is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, MS Petition, P.O. Box 1450, Alexandria, Virginia 22313, on this 24th day of September, 2003. Typed or Printed name of person signing this certificate:

Typed or Printed name of person signing in

Danielle K. York

Customer Number

27483

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shutic et al.

Serial No.: 09/888,679

Art Group: 3752

Filed: June 25, 2001

Examiner: D. Nguyen

For: QUICK CHANGE POWDER COATING

Confirmation No.: 9972

SPRAY SYSTEM

Attorney Docket No.: 11694/04112

STATEMENT OF FACTS REGARDING THE UNAVOIDABLE ABANDONMENT UNDER 37 C.F.R. §1.137(a)

Mail Stop Petition Assistant Commissioner of Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Abandonment of the above-identified application for failure to timely respond to the Restriction Requirement dated February 11, 2003 was unavoidable. Below is a detailed statement of facts that outlines the history of this application and the unavoidable abandonment thereof. As such, Applicant submits that the entire delay in filing the Response to Restriction Requirement from the due date of the Response, namely March 11, 2003, until the filing of the attached petition under 37 C.F.R. §1.137(a), was unavoidable.

The present application was filed June 25, 2001, including a post card copy, which was stamped received on June 25, 2001 and assigned serial number 09/886,679. A Response to the Notice to Filing Missing Parts was filed on October 20, 2001, which was stamped received on January 28, 2002. An information disclosure statement was filed on November 22, 2002.

On or about September 18, 2003, I, acting as Applicant's attorney, received a telephone call from Examiner Nguyen indicating that the application was abandoned for failure to response to the Restriction Requirement mailed February 11, 2003. On September 18, 2003, Examiner Nguyen faxed the Restriction Requirement to Calfee, Halter & Griswold LLP. Until such time, Restriction Requirement was not received by Applicants or Applicant's attorney. The correspondence address for this case would indicate that all correspondence from the Patent Office would be directed to Applicants' attorney at Calfee, Halter & Griswold LLP, 800 Superior Ave., Suite 1400, Cleveland, Ohio 44114 - as indicated by the Customer Number (27483) recorded for this case. Applicants' attorney has reviewed the entire file jacket, the firm's docket and the firm's docketing department and has not located the Restriction Requirement. Attached is a Declaration of Ms. Tammy Bunch, docket clerk for Calfee, Halter & Griswold LLP, and appropriate docket reports attesting to the standard docketing practice of Calfee, Halter & Griswold LLP.

As such, Applicant hereby petitions to revive the above-reference patent application as it is Applicant's belief that the abandonment was unavoidable. Applicants have provided this statement of facts and the attached declaration and docket reports as proof of the circumstances that lead to the unavoidable abandonment of this application. Applicant would be more than willing to produce any further information or documentation that the Patent Office deems necessary to support the enclosed petition. Furthermore, Applicant has submitted the required response to Notice To File Missing Parts herewith.

Respectfully submitted

Douglas B McKnight

CALFEE, HALTER & GRISWOLD LLP

(216) 622-8559

I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Commissioner for Patents, MS Petition, P.O. Box 1450, Alexandria, Virginia 22313, on this 24th day of September, 2003.

Typed or Printed name of person signing this certificate:

Danielle K. York

Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shutic et al.

Serial No.: 09/888,679

Art Group: 3752

Filed: June 25, 2001

Examiner: D. Nguyen

For: **QUICK CHANGE POWDER COATING** Confirmation No.: 9972

SPRAY SYSTEM

Attorney Docket No.: 11694/04112

DECLARATION IN SUPPORT OF PETITION FOR REVIVAL FOR UNAVOIDABLE ABANDONMENT UNDER 37 C.F.R. §1.137(a)

Commissioner of Patents Mail Stop Petition P.O .BOX 1450 Alexandria, VA 22313-1450

Dear Sir:

DECLARATION OF TAMMY BUNCH

- I, Tammy Bunch, do hereby declare as follows:
- 1. I am the docket clerk for the Intellectual Property Practice Group of Calfee, Halter & Griswold LLP and it is and was my responsibility from June of 1993 through the present to enter into the docket system all intellectual property matters requiring a response to the U.S. Patent and Trademark Office.
- 2. The docket system which I used from June of 1995 through the present is a commercial docket system obtained from Computer Packages, Inc.

- 3. It is the practice and policy of Calfee, Halter & Griswold LLP that all correspondence addressed to any member of the Intellectual Property Practice Group from whatever source including clients and/or the U.S. Patent and Trademark Office be delivered to me initially for opening and review to determine if, in fact, a response is due to the U.S. Patent and Trademark Office.
- 4. After reviewing the correspondence and making noted entries in the computerized docket system as required and also noting such entries on any correspondence from the U.S. Patent and Trademark Office, it is my custom and practice to deliver such documents to the responsible attorney for the particular matter.
- 5. I have reviewed the docket sheets for Douglas B. McKnight, the attorney of record for the above-described application. Upon such review, I did not find an entry on the docket sheets of Mr. McKnight indicating that a response was due to a Restriction Requirement for the above-described application. Of my own knowledge, I know that such an entry, if made, would have appeared on the docket sheet of this attorneys. Also attached is a copy of the complete docket report for matters having actions due on or about March 11, 2003. The attached docket reports, attached hereto as Exhibit A and Exhibit B, are true and accurate copies of the docket reports run on or about March 11, 2003. Some of the names and the titles or portions of the titles for entries relating to clients other than the owner of the above-described application have been redacted from these copies.
- 6. I have reviewed the computer data base for the file and matter number of the above-described application. There is no entry under this file and matter number indicating that a Restriction Requirement with a mailing date of February 11, 2003 was received for the above-described patent application.
- 7. I have no independent recollection of the receipt of an Restriction Requirement with a mailing date of February 11, 2003.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Tammy Bunch

UNITED STATES PATENT & TRADEMARK OFFICE Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | |
|---|---------------------------------------|-----------------------|-----------|-----------------|----------|--|--|
| 1 Date of Request: 12/10/03 | 2 Serial/Patent # <u>09/388</u> ; 679 | | | | | | |
| 3 Please refund the following fee(| s): | 4 PAP NUM | ER BER | 5 DATE FILED | 6 AMOUNT | | |
| Filing | _ | | | | \$ | | |
| Amendment | | | | | \$ | | |
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| 10 REASON: | | Treasury Check | | | | | |
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| 11 REFUND REQUESTED BY: C.T. Donnell | | | | | | | |
| TYPED/PRINTED NAME: | | | | | | | |
| SIGNATURE: <u>C. P. Donnell</u> PHONE: 306-5589 | | | | | | | |
| office: 4700 | | | | | | | |
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance Refund Branch Crystal Park One, Room 802B

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